

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

JMH 200 DOE

[REDACTED]  
Buffalo, New York 14226

Plaintiff,

vs.

CHRISTOPHER JAGIELLO  
34 North Park Avenue  
Buffalo, New York 14216

PHYLLIS FATIMA MORRELL  
188 Jewett Parkway  
Buffalo, New York 14214

BUFFALO BOARD OF EDUCATION  
801 City Hall  
65 Niagara Square  
Buffalo, New York 14202

BUFFALO CITY SCHOOL DISTRICT  
712 City Hall  
65 Niagara Square  
Buffalo, New York 14202

LAFAYETTE INTERNATIONAL HIGH  
SCHOOL f/k/a LAFAYETTE HIGH  
SCHOOL  
370 Lafayette Avenue  
Buffalo, New York 14213

Defendants.

---

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to

**SUMMONS**

Index No.:

Filed in the Erie  
County Clerk's  
Office on: \_\_\_\_\_

appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiff who resides in Erie County, New York.

DATED: BUFFALO, NEW YORK  
September 9, 2019

Yours Respectfully,

J. Michael Hayes, Esq.  
Law Office of J. Michael Hayes  
*Attorneys for Plaintiff*  
Office and P.O. Address:  
69 Delaware Avenue, Suite 1111  
Buffalo, New York 14202  
Telephone: (716) 852-1111

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

JMH 200 DOE,

Plaintiff,

**COMPLAINT**  
**JURY TRIAL**  
**DEMANDED**

vs.

CHRISTOPHER JAGIELLO,  
PHYLLIS FATIMA MORRELL,  
BUFFALO BOARD OF EDUCATION,  
BUFFALO CITY SCHOOL DISTRICT,  
LAFAYETTE INTERNATIONAL HIGH SCHOOL f/k/a  
LAFAYETTE HIGH SCHOOL,

Index No:

Defendants.

---

The Plaintiff, JMH 200 DOE, by her attorney J. MICHAEL HAYES, for her Complaint against the Defendants, CHRISTOPHER JAGIELLO, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, herein alleges:

**PARTIES**

1. Plaintiff, JMH 200 DOE, presently and at relevant times herein mentioned, was and is a resident of the County of Erie and State of New York. This filing under the above pseudonym is authorized pursuant to local court rules.

2. Upon information and belief, presently and at relevant times herein mentioned, the Defendant, CHRISTOPHER JAGIELLO, was and is a resident of the County of Erie and State of New York.

3. Upon information and belief, presently and at relevant times herein mentioned, the Defendant, PHYLLIS FATIMA MORRELL, was and is a resident of the County of Erie and State of New York.

4. Upon information and belief, presently and at relevant times herein mentioned, the Defendant, BUFFALO BOARD OF EDUCATION, is authorized and existing as provided by the Constitution of the State of New York and Title II of the New York Education Law and has offices for conducting business at 801 City Hall in the City of Buffalo, County of Erie and State of New York.

5. Upon information and belief, presently and at relevant times herein mentioned, the Defendant, BUFFALO CITY SCHOOL DISTRICT, is a municipal corporation organized and existing pursuant to Article II of the New York Education Law and has Offices at 712 City Hall in the City of Buffalo, County of Erie and State of New York.

6. Upon information and belief, presently and at relevant times herein mentioned, the Defendant, LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, is an educational entity organized and existing pursuant to the Education Law of the State of New York and is located at 370 Lafayette Avenue in the City of Buffalo, County of Erie and State of New York.

7. Plaintiff, JMH 200 DOE, asserts trial preference pursuant to CPLR 3403(a)(7), as added by Section 4 of the Child Victims Act.

8. This action is brought under the Child Victims Act and, as such, the filing of a Notice of Claim is not required. CPLR 214-g.

#### JURISDICTION

9. This Court has jurisdiction pursuant to CPLR 301 as Defendants' principal places of business and/or residences are in New York.

10. Venue is proper pursuant to CPLR 503 as Plaintiff's residence is in Erie County, New York. Additionally, Defendants' principal places of business and/or residences are in Erie County, New York.

**FACTS COMMON TO ALL CLAIMS**

11. Upon information and belief, at relevant times herein mentioned, Defendant, BUFFALO BOARD OF EDUCATION, owned Lafayette High School, located at 370 Lafayette Avenue, Buffalo, New York 14213.

12. Upon information and belief, at relevant times herein mentioned, Defendant, BUFFALO CITY SCHOOL DISTRICT, owned Lafayette High School, located at 370 Lafayette Avenue, Buffalo, New York 14213.

13. Upon information and belief, at relevant times herein mentioned, Defendant, LAFAYETTE INTERNATIONAL HIGH SCHOOL, owns and is the successor to LAFAYETTE HIGH SCHOOL, located at 370 Lafayette Avenue, Buffalo, New York 14213.

14. Upon information and belief, at relevant times herein mentioned, Defendant, BUFFALO BOARD OF EDUCATION, its officers, agents, representatives, servants and/or employees, managed, operated and/or controlled Lafayette High School, including, *inter alia*, the hiring of employees, employee supervision, employee assignments and monitoring the student body.

15. Upon information and belief, at relevant times herein mentioned, Defendant, BUFFALO CITY SCHOOL DISTRICT, its officers, agents, representatives, servants and/or employees, managed, operated and/or controlled Lafayette High School, including, *inter alia*, the hiring of employees, employee supervision, employee assignments and monitoring the student body.

16. Upon information and belief, at relevant times herein mentioned, Defendant, LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, its officers, agents, representatives, servants and/or employees, managed, operated and/or controlled Lafayette High School, including, *inter alia*, the hiring of employees, employee supervision, employee assignments and monitoring the student body.

17. Upon information and belief, at relevant times herein mentioned, Defendant, BUFFALO BOARD OF EDUCATION, its officers, agents, representatives, servants and/or employees, is the policy making body of the Defendant BUFFALO CITY SCHOOL DISTRICT and is responsible for the hiring and staffing of the schools within the Buffalo City School District, including LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL.

18. Upon information and belief, at relevant times herein mentioned, Defendant, CHRISTOPHER JAGIELLO, was employed by Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, as a physical education teacher from 2006-2009.

19. Upon information and belief, at relevant times herein mentioned, Defendant, CHRISTOPHER JAGIELLO, was acting within the scope of his employment with Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL.

20. Upon information and belief, at relevant times herein mentioned, Defendant, PHYLLIS FATIMA MORRELL, was employed by Defendants, BUFFALO BOARD OF

EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, as a school administrator, more specifically as "Acting-Principal" for Lafayette High School from 2008-2011.

21. Upon information and belief, at relevant times herein mentioned, Defendant, PHYLLIS FATIMA MORRELL, was acting within the scope of her employment and as an officer, agent, servant, representative and/or employee of Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL.

22. Upon information and belief, at relevant times herein mentioned, Defendant, CHRISTOPHER JAGIELLO, was under the direct supervision and/or control of Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees, including but not limited to Defendant, PHYLLIS FATIMA MORRELL.

23. Upon information and belief, at relevant times herein mentioned, Defendant, PHYLLIS FATIMA MORRELL, was under the supervision and/or control of Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their officers, agents, servants, representatives and/or employees.

24. Upon information and belief, at relevant times herein mentioned, Defendant, PHYLLIS FATIMA MORRELL, was appointed by Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE

INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, *inter alia*, to oversee, monitor, supervise, direct, control and/or be aware of the actions of students and staff during her tenure as “Acting-Principal”.

25. Upon information and belief, at relevant times herein mentioned, Defendant, PHYLLIS FATIMA MORRELL, was the superior of Defendant, CHRISTOPHER JAGIELLO.

26. Upon information and belief, at relevant times herein mentioned, Defendant, PHYLLIS FATIMA MORRELL, was responsible for the duties, assignments, delegations, and/or activities of Defendant, CHRISTOPHER JAGIELLO.

27. Upon information and belief, at relevant times herein mentioned, Defendant, PHYLLIS FATIMA MORRELL, directed, monitored, supervised, controlled and/or the duties and responsibilities required of Defendant, CHRISTOPHER JAGIELLO.

28. Upon information and belief, at relevant times herein mentioned, Jacquelyn M. Baldwin was employed by Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, as a school administrator, more specifically as “Principal” for Lafayette High School from 2004-2008.

29. Upon information and belief, at relevant times herein mentioned, Jacquelyn M. Baldwin was acting within the scope of her employment and as an officer, agent, servant, representative and/or employee of Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL.

30. Upon information and belief, at relevant times herein mentioned, Defendant, CHRISTOPHER JAGIELLO, was under the direct supervision and/or control of Defendants,

BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees, including but not limited to Jacquelyn M. Baldwin.

31. Upon information and belief, at relevant times herein mentioned, Jacquelyn M. Baldwin was under the supervision and/or control of Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their officers, agents, servants, representatives and/or employees.

32. Upon information and belief, at relevant times herein mentioned, Jacquelyn M. Baldwin was appointed by Defendants, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, *inter alia*, to oversee, monitor, supervise, direct, control and/or be aware of the actions of students and staff during her tenure as Principal.

33. Upon information and belief, at relevant times herein mentioned, Jacquelyn M. Baldwin was the superior of Defendant, CHRISTOPHER JAGIELLO.

34. Upon information and belief, at relevant times herein mentioned, Jacquelyn M. Baldwin was responsible for the duties, assignments, delegations, and/or activities of Defendant, CHRISTOPHER JAGIELLO.

35. Upon information and belief, at relevant times herein mentioned, Jacquelyn M. Baldwin directed, monitored, supervised, controlled and/or the duties and responsibilities required of Defendant, CHRISTOPHER JAGIELLO.

36. Upon information and belief, Jacquelyn M. Baldwin expired in 2012.

37. Plaintiff, JMH 200 DOE, attended Lafayette High School from 2007-2009.

38. Upon information and belief, Plaintiff, JMH 200 Doe, was a student enrolled at Defendant, LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, during the tenure of both Principals, Jacquelyn M. Baldwin between 2007 and 2008 and Defendant, PHYLLIS FATIMA MORREL, between 2008 and 2009.

39. Plaintiff, JMH 200 DOE, was a minor under the age of eighteen (18) at relevant times herein mentioned.

40. Plaintiff, JMH 200 DOE, was sexually assaulted, molested, raped, and/or coercively touched by Defendant, CHRISTOPHER JAGIELLO, on multiple occasions at or around 2007-2009.

41. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, individually, jointly and/or severally, violated various New York statutes in effect at relevant times mentioned herein including, but not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which, *inter alia*, require school officials and teachers to report suspected cases of child abuse and sexual molestation, and impose liability for failure to report.

42. Plaintiff, JMH 200 DOE, suffered severe personal physical and psychological injuries and damages as a result of Defendants' actions, as well as other damages related thereto, as a result of her childhood sexual abuse consistent with offenses as defined by Article 130 of the Penal Law perpetrated by Defendant, CHRISTOPHER JAGIELLO.

43. Plaintiff, JMH 200 DOE, asserts her revival action pursuant to the New York State Child Victims Act, CPLR 214-g.

44. The limitation of liability set forth in CPLR Article 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR 1602.

45. Plaintiff demands a jury trial on all claims.

**AS AND FOR A FIRST CAUSE OF ACTION**

46. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "45" of the Complaint with the same force and effect as fully set forth herein at length.

47. Upon information and belief, at relevant times herein mentioned, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees caused, permitted, tolerated, condoned, facilitated and covered up the actions of Defendant, CHRISTOPHER JAGIELLO, by leaving underage student(s), including Plaintiff, JMH 200 DOE, alone and unsupervised with him on a reoccurring basis.

48. Upon information and belief, at relevant times herein mentioned, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and employees caused, permitted and condoned Defendant, CHRISTOPHER JAGIELLO's sexual exploitation and molestation of young children, including Plaintiff, JMH 200 DOE, under their purview, care and responsibility.

49. Upon information and belief, at relevant times herein mentioned, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly

known as LAFAYETTE HIGH SCHOOL, their agents, servants and employees knew or should have known Defendant, CHRISTOPHER JAGIELLO, was sexually molesting and abusing student(s), including Plaintiff, JMH 200 DOE.

50. Upon information and belief, at relevant times herein mentioned, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees facilitated, contributed to and assisted the unlawful and abusive actions of Defendant, CHRISTOPHER JAGIELLO as aforesaid.

51. Plaintiff, JMH 200 DOE, was sexually assaulted, molested, raped, and/or coercively touched in an unwelcome manner by the Defendant, CHRISTOPHER JAGIELLO, on multiple occasions at or around 2007-2009.

52. Upon information and belief, at relevant times herein mentioned, Defendant, CHRISTOPHER JAGIELLO, was acting as a teacher, counselor, officer, employee, agent, representative, servant and/or volunteer of Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL.

53. Upon information and belief, at relevant times herein mentioned, the sexual molestation, abuse and exploitation of Plaintiff, JMH 200 DOE, by Defendant, CHRISTOPHER JAGIELLO, as aforesaid, took place at the premises of Defendant, LAFAYETTE INTERNATIONAL HIGH SCHOOL.

54. Plaintiff, JMH 200 DOE, did not consent to the sexual contact by Defendant, CHRISTOPHER JAGIELLO and such consent would have been involuntary as she was not at the age of majority.

55. Plaintiff, JMH 200 DOE, was unable to give consent to engage in sexual contact with Defendant, CHRISTOPHER JAGIELLO, as Plaintiff, JMH 200 DOE, was a minor at relevant times.

56. Upon information and belief, at relevant times herein mentioned, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees knew and/or should have known Defendant, CHRISTOPHER JAGIELLO, posed a threat of sexual abuse toward children and, in particular, to Plaintiff, JMH 200 DOE.

57. Upon information and belief, at relevant times herein mentioned, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees, knew of, should have known and/or had reason to know of CHRISTOPHER JAGIELLO's abusive behavior prior to his sexual exploitation and abuse of Plaintiff, JMH 200 DOE.

58. Upon information and belief, at relevant times herein mentioned, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their officers, agents, representatives, servants and/or employees, did not meet their obligation and responsibility to protect Plaintiff, JMH 200 DOE,

and other infant students prior to CHRISTOPHER JAGIELLO's molestation and abuse of Plaintiff, JMH 200 DOE.

59. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees knowingly, willfully and/or intentionally concealed the conduct and/or "discipline" of Defendant, CHRISTOPHER JAGIELLO, and protected him from prosecution while simultaneously allowing him to continue abuse and assault Plaintiff, JMH 200 DOE.

60. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees knowledge of CHRISTOPHER JAGIELLO's abuses and subsequent continued employment allowed Defendant, CHRISTOPHER JAGIELLO, to continue his crimes and victimization of minors, including those perpetrated against Plaintiff, JMH 200 DOE.

61. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees were careless, negligent as well as reckless in failing to prevent or mitigate the sexual molestation and abuse of Plaintiff, JMH 200 DOE.

62. Upon information and belief, Defendant's PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or

LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees actions were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights, well-being and safety of Plaintiff, JMH 200 DOE.

63. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees had a duty and did violate their duty to the public generally and minors specifically, including Plaintiff, JMH 200 DOE, by knowingly exposing them and her to Defendant, CHRISTOPHER JAGIELLO.

64. Upon information and belief, the Plaintiff, JMH 200 DOE, sustained severe and serious personal, physical and psychological injuries and continues to so suffer.

65. As a result of the foregoing, including the careless, negligent and reckless conduct, and the intentional concealment of abuses and molestation, Plaintiff, JMH 200 DOE, sustained damages in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such punitive and exemplary damages as may be appropriate.

#### **AS AND FOR A SECOND CAUSE OF ACTION**

66. The Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "65" of the Complaint with the same force and effect as fully set forth herein at length.

67. Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL,

negligently hired, retained, directed, and/or supervised Defendant, CHRISTOPHER JAGIELLO, when they knew or should have known that he posed a threat of sexual abuse to children.

68. Upon information and belief, the sexual abuse of children by adults in the school environment in this context is and was foreseeable.

69. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees had a duty to provide a reasonably safe environment for Plaintiff, JMH 200 DOE, and assumed the duty to protect and care for her by establishing, staffing, and/or operating Lafayette High School, encouraging the enrollment and instruction of Plaintiff, JMH 200 DOE, accepting her as a student, and holding out the school as a safe environment for learning and engaging in youth activities.

70. Upon information and belief, at all times herein mentioned and prior thereto, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees caused, permitted and facilitated CHRISTOPHER JAGIELLO's continued access to children, including Plaintiff, JMH 200 DOE, knowing, or with the exercise of reasonable care should have known, that Defendant, CHRISTOPHER JAGIELLO, was a child abuser and molester and permitting him to continue his molestation practices for years.

71. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH

SCHOOL, their agents, servants and/or employees knew of CHRISTOPHER JAGIELLO's activities and proclivities toward child abuse, covered up his molestations and criminal behaviors, did not provide a safe learning environment for minor children in their purview, and failed to mitigate or remedy harms done and caused by CHRISTOPHER JAGIELLO.

72. Upon information and belief, at all times herein mentioned and prior thereto, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and /or employees knew and/or should have known that Defendant, CHRISTOPHER JAGIELLO, targeted Plaintiff, JMH 200 DOE, for child sexual abuse and molestation, and failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims' families.

73. Upon information and belief, Plaintiff, JMH 200 DOE, has incurred medical expenses for her own care and treatments over the course of her lifetime for harm caused and/or contributed to by the sexual assaults perpetrated upon her by Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, through their employee, CHRISTOPHER JAGIELLO.

74. Defendant, CHRISTOPHER JAGIELLO, sexually assaulted, sexually abused and/or had sexual contact with Plaintiff, JMH 200 DOE, on Defendants' premises at LAFAYETTE INTERNATIONAL HIGH SCHOOL.

75. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or

LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees knew or should have known of CHRISTOPHER JAGIELLO's improper and inappropriate actions with Plaintiff, JMH 200 DOE.

76. Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence and contact of Defendant, CHRISTOPHER JAGIELLO, in his role as Defendants' employee and to ensure that CHRISTOPHER JAGIELLO did not abuse his authority under Defendants' employ.

77. Upon information and belief, Defendants PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees actions were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff, JMH 200 DOE.

78. As a result of the foregoing, Plaintiff, JMH 200 DOE, sustained severe personal physical and psychological injuries, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such punitive and exemplary damages as may be appropriate.

#### **AS AND FOR A THIRD CAUSE OF ACTION**

79. The Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "78" of the Complaint with the same force and effect as fully set forth herein at length.

80. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, and their officers, agents, servants, representatives and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Defendant, CHRISTOPHER JAGIELLO, the officer, agent, servant, representative and/or employee who sexually abused Plaintiff, JMH 200 DOE, would and did proximately result in the negligent infliction of severe emotional distress to Plaintiff, JMH 200 DOE.

81. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, and their officers, agents, servants, representatives and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff, JMH 200 DOE, would and did proximately result in physical and severe emotional distress to Plaintiff, JMH 200 DOE.

82. Upon information and belief, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff, JMH 200 DOE, being sexually abused, molested and exploited by Defendant, CHRISTOPHER JAGIELLO.

83. Upon information and belief, despite said knowledge, power and duty, Defendants, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY

SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees negligently failed to act so as to stop, prevent and prohibit and/or even limit the improper conduct that resulted in Defendant, CHRISTOPHER JAGIELLO, sexually abusing Plaintiff, JMH 200 DOE.

84. Upon information and belief, Defendants, CHRISTOPHER JAGIELLO, PHYLLIS FATIMA MORRELL, BUFFALO BOARD OF EDUCATION, BUFFALO CITY SCHOOL DISTRICT, and/or LAFAYETTE INTERNATIONAL HIGH SCHOOL, formerly known as LAFAYETTE HIGH SCHOOL, their agents, servants and/or employees actions were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff, JMH 200 DOE and in causing her significant and severe emotional distress.

85. As a result of the foregoing, Plaintiff, JMH 200 DOE, sustained severe personal physical, emotional and psychological injuries, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such punitive and exemplary damages as may be appropriate.

#### **AS AND FOR A FOURTH CAUSE OF ACTION**

86. The Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "85" of the Complaint with the same force and effect as fully set forth herein at length.

87. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, did willfully, knowingly and/or intentionally engage in sexual contact with Plaintiff, JMH 200 DOE, during the years of 2007-2009.

88. Plaintiff, JMH 200 DOE, did not consent to the aforementioned contact of Defendant, CHRISTOPHER JAGIELLO.

89. Plaintiff, JMH 200 DOE, could not consent to sexual contact of any kind made by Defendant, CHRISTOPHER JAGIELLO, because Plaintiff was a minor at relevant times.

90. The actions of Defendant, CHRISTOPHER JAGIELLO, caused offensive bodily contact with Plaintiff, JMH 200 DOE person.

91. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, purposefully intended to cause Plaintiff, JMH 200 DOE, unacceptable physical contact that resulted in harm and would offend a reasonable sense of personal dignity.

92. As a result of the foregoing, Plaintiff, JMH 200 DOE, sustained severe personal physical and psychological injuries, which have negatively harmed and impacted her over the entire course of her life all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such punitive and exemplary damages as may be appropriate.

#### **AS AND FOR A FIFTH CAUSE OF ACTION**

93. The Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "92" of the Complaint with the same force and effect as fully set forth herein at length.

94. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, did know Plaintiff, JMH 200 DOE, was an infant, under the age of eighteen (18), at the time Defendant had sexual contact with Plaintiff.

95. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, did willfully, knowingly and/or intentionally engage in sexual conduct with Plaintiff, JMH 200 DOE, during the years of 2007-2009.

96. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, did willfully, knowingly and/or intentionally create a hostile and unsafe environment that no

reasonable child of like age and mentality including JMH 200 DOE would be able or expected to tolerate endure and assimilate.

97. Plaintiff, JMH 200 DOE, did not, in fact, tolerate the conduct and abuse occasioned by Defendant, CHRISTOPHER JAGIELLO.

98. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, behaved in a manner toward Plaintiff, JMH 200 DOE, that was so shocking, outrageous and extreme as to exceed all reasonable bounds of decency.

99. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, knew with substantial certainty, or should have known, that his behavior would cause Plaintiff, JMH 200 DOE, to be a victim of sexual abuse, sexual harassment and/or violence.

100. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, willfully, knowingly, intentionally and/or recklessly desired and caused Plaintiff, JMH 200 DOE, severe emotional distress.

101. Upon information and belief, Defendant, CHRISTOPHER JAGIELLO, acted with utter disregard of the consequences his actions would have on Plaintiff, JMH 200 DOE.

102. Upon information and belief, the aforementioned acts of Defendant, CHRISTOPHER JAGIELLO, caused Plaintiff, JMH 200 DOE, physical, mental and severe emotional distress.

103. Upon information and belief, Plaintiff, JMH 200 DOE, suffered severe emotional distress of such intensity and duration as a result of Defendant's actions that no reasonable person should be expected to endure it.

104. Upon information and belief, at relevant times herein mentioned, the Defendant, CHRISTOPHER JAGIELLO's, actions were criminal and illegal, willful, intentional and reckless and caused emotional distress to be inflicted upon the Plaintiff, JMH 200 DOE.

105. As a result of the foregoing, Plaintiff, JMH 200 DOE, sustained severe personal physical and psychological injuries that have negatively harmed and impacted her over the entire course of her life including medical and other expenses all to her damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such punitive and exemplary damages as may be appropriate.

WHEREFORE Plaintiff, JMH 200 DOE, demands judgment in excess of the jurisdictional limits of all the lower Courts of the State of New York together with such other compensatory, punitive and exemplary damages, costs, disbursements and for such other relief as is just and proper and equitable.

DATED: BUFFALO, NEW YORK  
September 9, 2019

Yours Respectfully,

J. Michael Hayes, Esq.  
Law Office of J. Michael Hayes  
*Attorney for Plaintiff*  
Office and P.O. Address:  
69 Delaware Avenue, Suite 1111  
Buffalo, New York 14202  
Telephone: (716) 852-1111